

Message Text

CONFIDENTIAL

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11

ACTION EA-13

INFO OCT-01 SS-14 ISO-00 SSO-00 NSC-10 NSCE-00 CIAE-00

INR-10 NSAE-00 RSC-01 PM-03 DODE-00 L-02 H-01 FEA-01

PRS-01 SAM-01 DRC-01 INRE-00 /059 W

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 1080

INFO CINCPAC PRIORITY

CINCPACREPPHIL PRIORITY

13AF PRIORITY

C O N F I D E N T I A L MANILA 1770

LIMDIS

STATE PASS DOD FOR DOOLIN

CINCPAC ALSO FOR POLAD

STATE FOR HUMMEL AND WEISS

E.O. 11652: GDS

TAGS: ENRG, MASS, MARR, RP

SUBJECT: JP-4 JET FUEL FOR PHILIPPINE AIR FORCE

1. DURING RECENT DOOLIN VISIT MANILA, I RAISED
SUBJECT OF INSTRUCTIONS RECEIVED BY US NAVY AND
AIR FORCE REPRESENTATIVES IN PHILIPPINES TO CUT OFF
SUPPLY OF JP-4 JET FUEL TO PHILIPPINE AIR FORCE.
SUPPLY IS CURRENTLY PROVIDED PRIMARILY BY AN OFFSHOOT
FROM THE SUBIC-CLARK PIPELINE AND IS PROVIDED ON
FMS CASH SALE BASIS. REASON GIVEN FOR CUT-OFF WAS DOD
INTERPRETATION OF FOREIGN ASSISTANCE LEGISLATION
PROHIBITING MILITARY FROM SUPPLYING FUEL PRODUCED IN
THE US TO NATIONS OF "SOUTHEAST ASIA".

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2. LEGISLATIVE HISTORY OF THAT PROHIBITION, AS SEEN FROM THE LONG-RANGE PERSPECTIVE OF MANILA, CLEARLY INDICATES THAT IT WAS AIMED AGAINST INDOCHINA STATES AND THAILAND, BUT NOT RPT NOT AGAINST THE PHILIPPINES. THE LAWYERS WHO HAVE RULED THAT IT SHOULD ALSO ENCOMPASS SUPPLY TO PHILIPPINE AIR FORCE APPEAR, IN OUR JUDGMENT, TO BE OVERLY RESTRICTIVE IN THEIR APPLICATION OF THE LAW AND SHOULD HAVE A LITTLE POLITICAL GUIDANCE TO HELP FLEX THEIR FIXATIONS. THEREFORE, UNLESS THERE HAS OCCURRED SOME NEGATIVE CONGRESSIONAL CONSULTATION OF WHICH WE ARE NOT AWARE, PLEASE ARRANGE TO HAVE THE RESTRICTIVE LEGAL INTERPRETATION LIBERALIZED IN ACCORDANCE WITH THE APPARENT INTENT OF CONGRESS.

3. QUITE ASIDE FROM THIS MATTER OF LEGAL INTERPRETATION, THERE IS SANOTHER FACTOR WHICH SHOULD BE TAKEN INTO ACCOUNT. THAT IS THE FACT THAT THE CONGRESSIONAL RESTRICTION APPLIES ONLY TO PETROLEUM PRODUCTS PRODUCED IN THE UNITED STATES. SUBIC CURRENTLY HAS ABOUT 16 MILLION GALLONS OF JP-4 IN STORAGE. OUR BEST ESTIMATES ARE THAT ABOUT 50 PERCENT OF THAT PRODUCT CAME FROM SOURCES OTHER THAN THE UNITED STATES PRIOR TO THE IMPOSITION OF THE ARAB OIL BAN, WHICH CURRENTLY REQUIRES ALL NEW RPT NEW SUPPLY TO COME FROM US SOURCES.

4. SINCE JP-4 IS A FUNGIBLE PRODUCT AND IT IS IMPOSSIBLE TO DISTINGUISH ITS SOURCE ONCE TWO TANKER LOADS FROM TWO DIFFERENT POINTS OF ORIGIN HAVE BEEN MIXED IN A STORAGE TANK, IT IS CLEAR THAT, NO MATTER WHAT THE LEGAL RULING, THERE ARE AT LEAST 8 MILLION GALLONS WHICH COULD BE SUPPLIED TO THE PHILIPPINE AIR FORCE WITHOUT LEGISLATIVE HINDRANCE. AT AN AVERAGE RATE OF CONSUMPTION OF 2.6 MILLION GALLONS PER YEAR, BY THE PHILIPPINE AIR FORCE, SUBIC COULD CONTINUE SUPPLYING FUNGIBLE FUEL FOR AT LEAST THREE YEARS BEFORE THE ISSUE COULD ARISE IN ANY FORUM.

5. IN VIEW OF THESE FACTS, PLEASE TAKE IMMEDIATE ACTION TO RESCIND THE INSTRUCTIONS WHICH HAVE BEEN SENT TO OUR NAVY AND AIR FORCE PEOPLE ON THIS SUBJECT, CONFIDENTIAL

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AND AUTHORIZE CONTINUING FMS SALES OF JP-4 TO PAF. SULLIVAN

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